

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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UNITED STATES OF AMERICA

- v. -

RAFAEL MARTINEZ,

Defendant.

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: INFORMATION
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: S1 07 Cr. 865 (PKC)
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X

COUNT ONE

The United States Attorney charges:

1. From in or about 1999 until at least in or about 2004, in the Southern District of New York and elsewhere, RAFAEL MARTINEZ, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RAFAEL MARTINEZ, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

(Title 21, United States Code, Section 846.)

COUNT TWO

The United States Attorney further charges:

3. From in or about 2004 until at least on or about May 20, 2007, in the Southern District of New York and elsewhere, RAFAEL MARTINEZ, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that RAFAEL MARTINEZ, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

(Title 21, United States Code, Section 846.)

COUNT THREE

The United States Attorney further charges:

5. On or about April 7, 2005, in the Southern District of New York and elsewhere, RAFAEL MARTINEZ, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures

and substances containing a detectable amount of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A);
Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

6. As a result of committing one or more of the controlled substance offenses alleged in Counts One, Two and Three of this Information, defendant RAFAEL MARTINEZ shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One, Two and Three of this Information, including but not limited to the following:

a. A sum of money representing the amount of proceeds obtained as a result of the offenses alleged in Counts One, Two and Three of this Information.

b. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 1470 Campbell Street, Apartment S111, Rahway, New Jersey, 07065.

c. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 633 Beechwood Road, Linden, New Jersey, 07036.

d. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 242-248 Park Avenue, Newark, New Jersey, 07107.

e. 2001 Porsche with Vehicle Identification Number WP0AB29921S685748.

f. 2001 War Eagle Motorcycle.

g. 1998 Kawasaki ZXT Motorcycle.

h. 2000 Crownline watercraft.

Substitute Asset Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

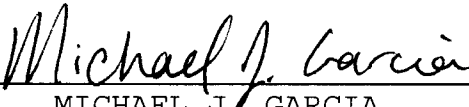
(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)


MICHAEL J. GARCIA
United States Attorney

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(Title 21, United States Code,
Sections 812, 841(a)(1) and (b)(1)(A),
and 846; Title 18, United States Code,
Section 2.)

MICHAEL J. GARCIA
United States Attorney.

December 27, 2007 - S1 Information filed.
December 27, 2007 - The defendant Rafael Martinez and his attorney
Robert J. De Groot are present. First Marshall A. Camp is present.
Court Reporter Joanne Mancini is present. See transcript. The defendant
waives indictment. The defendant is arraigned on the S1 Information
and pleads guilty to Count 5 one, 5 Two and 5 Three. The Court
accepts the plea. The PSY is ordered. Sentencing for

The Court
is scheduled
March 27, 2008
at 9:30 a.m. The
defendant is
remanded.

Cecil J.